IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 21ST JUNE 2006 / 31ST JYAISHTA, 1928

CRL.A.No. 795 of 2000(B)

CC.452/1998 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O),ERNAKULAM

.....

APPELLANT:

S.K. MENON, KALAVANTHARA BUILDINGS,
GOPALA PRABHU ROAD,
ERNAKULAM, KOCHI

BY ADV. SRI.K.V.SADANANDAPRABHU

RESPONDENTS:

M.K. RAMACHANDRAN,
S/O MAZHUVANCHERRYKUMARA KARTHA
PROPRIETOR, COCHIN AUTO SPARESAND
TOOLS, PRESENTLY RESIDING AT KALATHIL HOUSE,
KADAKKAAPPALLI VILLAGE, CHERTHALA.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 21/06/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

CRL.A.795/2000

DATED THIS THE 21ST DAY OF JUNE, 2006

JUDGMENT

The complainant is the appellant. He preferred a complaint, under Section 138 of the Negotiable Instruments Act, in short 'the Act', before the Additional Chief Judicial Magistrate Court (Economic Offences), Ernakulam. However it was dismissed due to the absence of the complainant, after rejecting the application to condone his absence. Hence this appeal.

2. After hearing on the matter as well as on appreciating the facts on record, I am of the opinion that an opportunity be given to the parties, so that the Court below shall consider the matter on merit.

3. In the result, I set aside the impugned order and restore C.C.No.452/1998 (C.C.No.226/1997 of C.J.M.Court, Ernakulam.) to the file of the Additional Chief Judicial Magistrate Court (Economic Offences), Ernakulam.

4. The parties shall appear before the Court below, on 26.8.2006. The learned Magistrate shall dispose of the

matter within four months from the date of appearance of the parties, as the case being of the year 1997.

The appeal is closed as above.

J.M.JAMES
JUDGE

mrcs

J.M.JAMES, J.

CRL.R.P. /200
ORDER

DAY OF ,200